

Town of Carlisle

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Office of
PLANNING BOARD

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Minutes

April 10, 2006

Minutes 3/27/06

Bills

Budget

Town Meeting Warrant

GIS Development Task Force

Town Hall Technology/web site

Feasibility study of adopting Inclusionary Zoning and/or Open Space Residential Design bylaw provisions [Edith Netter & Associates-Planning Board]

Development of additional GIS data layers and technical support [Applied Geographics-Planning Board]

Preparation of proposed amendments to Personal Wireless Communications Facilities bylaw [Broadcast Signal Lab-Planning Board / joint subcommittee]

Preparation of proposed amendments to Accessory Apartment bylaw to provide options for affordable units [Riverside Consulting-Selectmen / joint subcommittee]

Review of draft decisions approving applications for four special permits for a Conservation Cluster, "Greystone Crossing," comprised of 15 building lots and 5 open space parcels within 47.3 acres located on Cross Street and Bingham Road (Map 7, Parcels 35,36,37,38,47 & 59); and three (3) Common Driveways, "Trillium Way," "Captain Wilson Lane," and Greystone Lane, all with access from Cross Street (Request of William Costello, Bingham Road LLC and Carriage Estates Trust)

Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for 56 age-restricted, condominium units of attached housing to be known as "Coventry Woods," on Concord Street, northeasterly of 515 Concord Street (Map 8, Parcel 10 – 22.8 acres), 14 units to be designated as affordable housing (Application of Coventry Woods LLC and MCO & Associates, Inc., referred by Board of Appeals)

Public Hearing on proposed amendments to the Zoning Bylaws: A. To add to Section 5.6, Accessory Apartments, provisions that will allow property owners to create "affordable accessory apartments" under deed restrictions; and B. To revise Section 5.9, Personal Wireless Communications Facilities, by incorporating definitions that reflect changes in wireless communications technology, establishing a process to allow a waiver from the current 900-ft. setback when specific conditions are met, and other clarifications and requirements to meet the original goals of the bylaw.

Report on progress to obtain necessary approvals and design of footpath parallel to Cross St., as authorized in consideration of approval of Greystone Crossing Conservation Cluster special permit.

David Freedman called the meeting to order at 7:32 pm in the Clark Room at Town Hall. Board members **Louise Hara, Brian Larson, Michael Epstein, Kent Gonzales** and Planning Administrator **George Mansfield** were present. **Peter Stuart** and **Ray Bahr** were absent.

Gretchen Caywood, assistant to the Planning Administrator, Doug Stevenson (BOS), Bill Tice (BOS), Susan Stamps (Housing Authority), Wendell Sykes (School Committee) David Maxson (Wireless Consultant, Broadcast Signal Labs), and Laura Foley, Carlisle Mosquito reporter, were also present.

Minutes

The PB reviewed the minutes of the 3/27/06 meeting, and suggested three changes. Larson moved to approve the minutes as edited, Hara seconded and the motion carried 4-0-1, with Gonzales abstaining.

Schedule of future PB meetings

Freedman proposed the following schedule of upcoming meetings to Mansfield and the PB:

Monday, June 12th and Monday, June 26th
Monday, July 17th
Monday, August 21st
Monday, September 11th and Monday, September 25th.

He requested that everyone check their schedules on these dates, and also that the availability of the new PB members on these dates will be verified after the Town Elections.

Review of draft decisions approving applications for four special permits for a Conservation Cluster, "Greystone Crossing," comprised of 15 building lots and 5 open space parcels within 47.3 acres located on Cross Street and Bingham Road (Map 7, Parcels 35,36,37,38,47 & 59); and three (3) Common Driveways, "Trillium Way," "Captain Wilson Lane," and Greystone Lane, all with access from Cross Street (Request of William Costello, Bingham Road LLC and Carriage Estates Trust)

Freedman stated that in his opinion the draft decisions on the Greystone Crossing Conservation Cluster and on the three Common Driveways were in order, and the PB was in agreement. Epstein moved to authorize the PB clerk (Hara) to sign the Decisions on the Conservation Cluster and Common Driveway Special Permits for Greystone Crossing dated March 27, 2006. Larson seconded the motion, and it was approved 5-0.

Report on progress to obtain necessary approvals and design of footpath parallel to Cross St., as authorized in consideration of approval of Greystone Crossing Conservation Cluster special permit.

Freedman confirmed from Hara that the Trails Committee is accepting the responsibility for the design and permitting of the footpath. Freedman requested that Gary Davis (DPW) be kept apprised on the development of the footpath. Hara asked Mansfield to send a memo to the Trails Committee Chair, Marc Lamere, acknowledging their acceptance of this task and to copy Davis on this memo.

Public Hearing on proposed amendments to the Zoning Bylaws: A. To add to Section 5.6, Accessory Apartments, provisions that will allow property owners to create "affordable accessory apartments" under deed restrictions; and B. To revise Section 5.9, Personal Wireless Communications Facilities, by incorporating definitions that reflect changes in wireless communications technology, establishing a process to allow a waiver from the current 900-ft. setback when specific conditions are met, and other clarifications and requirements to meet the original goals of the bylaw.

Freedman opened the public hearing, and the discussion began with Zoning Bylaw Section 5.6, Accessory Apartments. Stevenson (BOS) gave a presentation highlighting the proposed changes to the bylaw, and the reasons for them. He pointed out that affordable accessory apartments (AAAs) are an efficient means of creating affordable units, with a 1:1 production rate (one AAA for each existing housing unit). He pointed out that creation by other means, such as 40B's, results in development of many more new housing units to create a few affordable units. Therefore, AAA's are much lower impact on the community, and can be used toward the production goals of affordable units. Also, they provide income opportunities for the owners.

Stevenson reviewed that an AAA Task Force had been created with the goal of developing incentives for the production of AAAs. He pointed out that the proposed bylaw amendments allow for more flexibility to the conditions under which AAAs are allowed, and provide for financial incentives to create them (payments to the owner for participating).

Stevenson's presentation next included a summary of the steps involved in the AAA creation process. He also added that there is a proposal for creation of a new shared staff position (part-time) to assist residents in the AAA application and development. He stressed that while any prospective tenant must meet the income and asset requirements of MGL Chapter 40B, and be chosen from a list of qualified prospects, the goal is to give the property owner as much leeway as possible in tenant selection.

A handout summarizing the proposed changes to this bylaw will be available at Town Meeting, as will a copy of the final proposed bylaw. The summary handout was next reviewed. It highlights that the proposed bylaw changes would allow for AAAs in the following situations: detached structures, on any legal building lot (i.e. on 1 acre lots in the center of Town instead of just 2-acre lots, and on legal non-conforming lots), on non-residential lots and in non-residential buildings. The proposed changes also would allow the apartment to be up to 50% of the house area (but retaining a maximum area of 1200 sq ft).

Concerning the deed restriction requirements, the restriction requirement is for 15 years with provisions if the property is sold. The Carlisle Housing Authority would be responsible for adopting Rules and Regulations on this issue.

At this point, Epstein suggested that at Town Meeting, Stevenson should point out that AAAs are just one of the ways the Town is working on achieving its affordable unit production goals, and that additional approaches are under investigation. AAAs will supplement our current affordable housing approach. When the production goal of 12 new affordable units is reached for any given year, any new 40B applications filed that year may be denied.

Stevenson then outlined the proposed financial incentives for AAA development. One option is for a \$15,000 loan from the Town to the property owner, forgiven at \$1000 per year for 15 years. The other option is for \$1000 to be paid to the property owner by the Town at the end of each year for 15 years. No lien will be required in the second option. Freedman added that the owner will also be getting rent on the property. After some discussion, Stevenson pointed out that this program can be reevaluated as time goes on, and that the Town can consider raising the financial incentives in the future.

The next steps in this process are to extend public outreach on the proposed bylaw amendments, to obtain the necessary \$90,000 (Community Preservation Act funding for 6 AAAs) by majority vote at the ATM, and to achieve the necessary 2/3 majority vote on the warrant article (the bylaw amendments). Also, the Department of Housing and Community Development (DHCD) must approve AAAs as affordable units in order for them to count toward the affordable unit requirement. If the DHCD does not approve the units, then the program cannot go forward. Freedman pointed out that the Town of Lincoln has such a proposal before the DHCD, and is awaiting this very decision.

Larson moved to report to Town Meeting that the PB supports the adoption of the revisions to the Accessory Apartment Bylaw to accommodate AAAs. Hara seconded and the motion passed 5-0. Hara moved to close the public hearing with respect to the proposed AAA bylaw amendments. Gonzales seconded and the motion passed 5-0. Stevenson left the meeting at this point.

Larson presented part B of the public hearing concerning proposed revisions to Section 5.9 of the Zoning Bylaw, Personal Wireless Communication Facilities. He cited the current problem of significant gaps in wireless coverage in the Town, and the significant legal expenditures in the past concerning lawsuits by service providers and abutters to a proposed site. The 900-ft setback rule has proven to be overly restrictive, and concerning the advances in wireless technology, the bylaw language is obsolete. Larson summarized the goals of the proposed bylaw revisions as: updating the bylaw language while continuing to maintain strict controls, resolving the setback restriction, setting the direction of personal wireless services (PWS) in Carlisle, and exploring wireless revenue options for the Town.

Concerning the proposal to allow a waiver of the 900-ft setback, a waiver would only be considered for low impact facilities. The requirements for such facilities were described in detail in his presentation. Larson pointed out that detailed criteria would be set for low impact facilities. Gonzales added that the applicant would need to prove that there is no other option but to construct within the 900-ft setback at the chosen location.

The PB suggested that a summary slide be added at the conclusion of his presentation that highlights the benefits of the proposed changes. They are: close management of the cell tower approval process, have a process that allows for negotiation with service providers (therefore decreasing the risk of lawsuits by providers), and improvement of wireless coverage in the Town.

Freedman discerned from Larson that regarding the distributed antenna systems (DAS), which is one of the low impact approaches to wireless antenna structures, even though they are multiple antenna systems, they operate at a much lower energy than a traditional cell tower. Maxson added that these DAS have a smaller “coverage footprint” as well, distributing the energy over a much smaller area. These systems comply with federal standards by a large margin, and this is the limit of what the Town has the authority to regulate. He added that the Town can only lease a site on Town land to a wireless provider if the BOS chooses to do so; the Bylaw does not require a facility in any specific locations. Sykes observed that according to the law, health concerns cannot be used to determine wireless equipment placement, but added that at least if these amendments are approved, the Town has some control over their placement.

Gonzales suggested that if the amendments are approved at Town Meeting, the next step is to have a committee study and determine how to proceed with the placement of equipment for wireless coverage in the Town. Larson suggested that in order for the Town to be proactive on this wireless equipment issue, it should issue a Request for Proposal (RFP) for cell tower facilities, and that this proactive approach should be suggested at Town Meeting.

Epstein discerned from Freedman that if the PB denies a request for waiver of the 900-ft setback, the wireless provider’s recourse is the ZBA and/or the courts. Mansfield pointed out that for the provider to receive a variance from the ZBA to any waiver not granted by the PB, it should have to show hardship. Freedman suggested that the waiver process gives the PB more ability to craft a solution that is beneficial to all parties.

Hara moved to report to the Town Meeting that the PB supports the adoption of the revisions to the Personal Wireless Communication Facilities Bylaw. Gonzales seconded and the motion passed 5-0. Hara moved to close this public hearing on proposed amendments to Section 5.9 of the Zoning Bylaws, Personal Wireless Communication Facilities. Epstein seconded and the motion passed 5-0.

Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for 56 age-restricted, condominium units of attached housing to be known as “Coventry Woods,” on Concord Street, northeasterly of 515 Concord Street (Map 8, Parcel 10 – 22.8 acres), 14 units to be designated as affordable housing (Application of Coventry Woods LLC and MCO & Associates, Inc., referred by Board of Appeals)

Epstein updated the Board on the results of discussions between the residents, the Town and the developers of the proposed Coventry Woods project. All have agreed on two possible approaches. The first is for a 40-unit development having 10 affordable units. The second is for a 41-unit development with 12 affordable units, with a payment of \$200,000 from the Town to the developers. The payment of this sum from CPA funds would need to be approved at Town Meeting. In the first case, the proposed unit 16 (on current plans) would not exist.

Epstein explained that the Town (BOS) and the neighbors are in the process of negotiation with the developer (applicant), and a Memorandum of Understanding is being developed among the three parties. The Restrictive Covenant, along with a landscape plan and a draft comprehensive permit (drafted by Town Counsel) will be attached to the memorandum.

Concerning potential water issues, the ZBA will ask for additional engineering work. Also, the ZBA will circulate the landscape plan back to the land use boards and committees for input. Epstein added that the plan reflects the Fire Chief’s comments. The PB will have another opportunity to comment on the plan.

Freedman suggested that the concept of Low Impact Development (LID) be considered for Coventry Woods. For example, the landscaping could be designed to take pressure off the detention basins and drainage system, with landscaped areas designed to handle water runoff (such as rain gardens and permeable surfaces that allow water infiltration). The PB can recommend this approach for Coventry Woods.

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Feasibility study of adopting Inclusionary Zoning and/or Open Space Residential Design bylaw provisions
[Edith Netter & Associates-Planning Board]

Freedman recommended setting up a subcommittee of the PB to narrow the possibilities of Inclusionary Zoning (IZ) and requested a half hour be set aside at the next PB meeting for such a discussion. He also suggested beginning discussions with the BOH on water issues related to zoning. One main point of discussion is that if 1-acre zoning is ok in the center of Town, then perhaps clustering of homes on less than 2-acre lots would be suitable if sufficient open space was in proximity to these lots. Freedman also suggested that attached units might be a more economical way to allow developers to produce more affordable housing in a development.

Town Hall Technology/Website

Mansfield reported that he recently met with a representative from the company "Virtual Town Hall", which has contracted with the Town to develop a website, and that this representative will be meeting with all the departments in Town Hall. Mansfield requested input from the Board on the contents of the PB portion of the site, and on any concerns they may have. It was suggested that Mansfield ascertain who has access to update the site or if updates will be handled by Virtual Town Hall, what other towns they have worked with and how updates are handled in those towns, and what features are available that might be of interest. Mansfield reported that the Town Administrator has asked him to coordinate this site development for the three land use boards.

Mansfield reported that staff who are Town residents are being trained on the use of the Concord-Carlisle TV equipment for televising meetings. By agreement, only Town residents will be authorized to use the equipment, so if the PB wished to have its meetings cablecast, resident volunteers must be recruited. The PB concluded that this was not a current priority.

At 10:15 pm, Gonzales moved to adjourn the PB meeting. Hara seconded and the motion carried 5-0.

Respectfully submitted,

Gretchen Caywood,
Planning Board Administrative Assistant